

January 6, 2017

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

**Re: In the Matter of Empowering Consumers to Empowering Consumers to
Avoid Bill Shock, CG Docket No. 10-207**

Dear Chairman Wheeler,

We, the undersigned public interest organizations, write to express our support for the National Consumers League's recommendation¹ that the Commission refresh the record in the "bill shock" proceeding² to examine the impact of international mobile roaming (IMR) fees on the prevalence and severity of consumer "bill shock."

In 2011, the FCC, the wireless industry, and consumer advocates reached agreement on a voluntary industry notification system that improved transparency in the market for IMR services. Since then, the market for smartphones and other connected devices has changed dramatically, with smartphone penetration increasing from 35 to 72 percent of American adults.³ Today's smartphones run dozens of apps, many of which update automatically and use data in the background. This can quickly lead to significant inadvertent data use and consumer "bill shock," despite consumer awareness of the costs of roaming.

As NCL noted, international mobile roaming fees are a significant revenue driver for the global wireless telecommunications industry. We are also concerned that supracompetitive pricing of IMR services combined with modern smartphone usage patterns may put millions of American travelers at risk of experiencing "bill shock" when

¹ Comments of the National Consumers League, CG Docket No. 10-207 and CG Docket No. 09-158 (October 12,

2016). Online: [https://ecfsapi.fcc.gov/file/1012336420315/NCL_IMR_Comments_10122016%20\(FINAL\).pdf](https://ecfsapi.fcc.gov/file/1012336420315/NCL_IMR_Comments_10122016%20(FINAL).pdf)

² Empowering Consumers to Avoid Bill Shock; Consumer Information and Disclosure, 75 Fed. Reg. 72,773 (proposed Nov. 26, 2010) ("2010 NPRM")

³ Pew Research Center, "Technology Device Ownership: 2015," October 29, 2015, Online: <http://www.pewinternet.org/2015/10/29/technology-device-ownership-2015/>; Pew Research Center, "Smartphone Ownership and Internet Usage Continues to Climb in Emerging Economies," Feb. 22, 2016, Online: <http://www.pewglobal.org/2016/02/22/smartphone-ownership-and-internet-usage-continues-to-climb-in-emerging-economies/>

they take their smartphones abroad. Finally, we note the finding of the European Commission that high IMR fees are “an excessive irritant to business and leisure customers; they are a market distortion with no rational place in a single market – they teach users to fear their phones instead of using them.”⁴ We do not believe that this sentiment is exclusive to European consumers and addressing such concerns would in fact be entirely consistent with the FCC’s long-held policy of promoting consumers’ use of broadband service.

When Chairman Genachowski announced the Commission’s voluntary agreement with the wireless industry in 2011, he stated that the FCC was adopting a “trust, but verify” approach to addressing the problem of “bill shock.”⁵ We urge the Commission to demonstrate its commitment to this policy by refreshing the “bill shock” record to review the marketplace for IMR services and the impact of current IMR practices on consumers’ ability to affordably connect to broadband while traveling abroad.

Sincerely,

/s/

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Policy Fellow
Public Knowledge

/s/

Susan Grant
Director of Consumer Protection and Privacy
Consumer Federation of America

/s/

Jonathan Schwantes
Senior Policy Counsel
Consumers Union

/s/

Linda Sherry
Director, National Priorities
Consumer Action

⁴ European Commission. “Roaming,” Digital Single Market; Digital Economy & Society. December 15, 2016. Online: <https://ec.europa.eu/digital-single-market/roaming>

⁵ Genachowski, Julius. “Bill Shock Event.” FCC , Oct. 17, 2011, Online: https://apps.fcc.gov/edocs_public/attachmatch/DOC-310290A1.pdf